

ARTICLE 1733

BOCA National Property Maintenance Code

- 1733.01 Adoption.
- 1733.02 Additions, Deletions, and Modifications.
- 1733.02 Penalty. (BOCA PM-106.2)

CROSS REFERENCE

Adoption by reference - See 3rd Class Charter Law 608(a)
(53 P.S. 41608(a); 3rd Class 2403(67) (53 P.S. 37403(67))

1733.01 ADOPTION.

There is hereby adopted the 1996 (Fifth Edition) B.O.C.A. National Property Maintenance Code with deletions and amendments thereto as hereinafter noted.

1733.02 ADDITIONS, DELETIONS, AND MODIFICATIONS.

The following articles, representing revisions or additions to the 1996 B.O.C.A. National Property Maintenance Code shall be applicable for the purpose of this Ordinance:

CHAPTER #1 ADMINISTRATION

That Sub-section PM-106.2 titled Penalty be amended to read as follows:

PM-106.2 Penalty

Any person who shall violate a provision of this Ordinance or shall fail to comply with any of the requirements thereof, or shall be in violation of an approved plan or directive of the Inspector or of a permit issued under the provisions of the Ordinance shall, upon conviction thereof before the District Magistrate of the City of Bethlehem, Pennsylvania, be liable to pay the following penalties:

- a) First Violation - A fine of \$200.00, or thirty (30) days imprisonment, or both;
- b) Second Violation - A fine of \$500.00, or sixty days imprisonment, or both;

- c) Third and each subsequent violation - A fine of \$1,000.00, or ninety days imprisonment, or both.

Each day that a violation continues shall be deemed a separate offense. (Ord. 3038. Passed 10-22-85; Ord. 3242. Passed 02-07-89.)

PM-107.6 Absentee Landlord

No Certificate of Occupancy shall be issued for any rental dwelling, excluding a dormitory and hotel (as defined in Article 2, PM-201.0 APPLIED MEANING OF WORD AND TERMS), unless there is provided to the Inspection Bureau the name and address of an agent residing within the City, authorized to accept service of process on behalf of the title owner or operator of said dwelling.

The authorization shall be signed by the agent designated to accept service and the landlord or operator shall be required to contact the Inspection Bureau each year and/or upon the change of agency in order to update the City records with regard to the name, address and telephone number of the locally designated agent.

Failure to provide the information on the designated local agent, after two (2) weeks notice, will result in the revocation of the Certificate of Occupancy and the closure of the property to renters until new and valid Certificate of Occupancy is issued.

That Sub-section PM-108.2 titled Closing of Vacant Structures be amended to read as follows:

SECTION PM-108.0 UNSAFE STRUCTURES AND EQUIPMENT

If the structure is vacant and unfit for human habitation and occupancy, and is not in danger of structural collapse, the code official is authorized to post a placard of condemnation on the premises and order the structure closed-up so as not to be an attractive nuisance. Upon failure of the owner to close the premises within the time specified in the order, the code official shall cause the premises to be closed through any available public agency or by contract or arrangement by private persons and the cost thereof, shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

No exterior window, skylight or door frame of any structure facing toward or visible from the public right of way shall

be covered with plywood or other non-approved materials longer than 60 days.

After 60 days, all temporary cover over exterior windows, skylights and doors that face toward or are visible from the public right of way, shall be removed, and the exterior windows, skylights and doors shall be restored.

Restoration of exterior windows, skylights and doors must include proper fitting windows and door frames, hardware, locks and glazing and be maintained in proper working condition.

All exposed exterior metal or wood surfaces shall be protected from the elements and against decay or rust by periodic application of weather proofing/coating material.

(Ord. 4059 - Passed 12/19/00.)

CHAPTER #3 GENERAL REQUIREMENTS

SECTION PM-303.0 EXTERIOR PROPERTY AREAS

- a. Delete sub-section PM-303.2 titled Grading and drainage.
- b. Delete sub-section PM-303.3 titled Sidewalks and driveways - covered under the Public Works Article #909.
- c. Delete sub-section PM-303.4 titled Weeds - covered under the Health Ordinance #1161.07.
- d. Delete sub-section PM-303.5 titled Rat harborage - covered under the Health Ordinance #1161.09.

That Sub-section PM-303.7 titled Accessory structures be amended to read as follows:

All accessory structures, including detached garages, sheds and fences shall be maintained structurally sound and in good repair.

That Sub-section PM-303.8 titled Motor Vehicles be amended to read as follows:

PM-303.8 Abandoned; Storage of Vehicles on Private Property

- (A) No person shall abandon and/or store any unregistered vehicle on private property within the City of

Bethlehem. For the purpose of this Article, an abandoned vehicle shall be defined as follows:

- (1) A vehicle, other than a pedalcycle, shall be presumed to be abandoned under one or more of the following circumstances, but the presumption is rebuttable by a preponderance of the evidence:
 - (i) The vehicle is physically inoperable and is left unattended on private property for more than 48 hours.
 - (ii) The vehicle has remained illegally on private property for more than 48 hours.
 - (iii) The vehicle is left unattended on private property for more than 48 hours and does not bear the following:
 - (a) A valid registration plate.
 - (b) A current certificate of inspection.
 - (c) An ascertainable vehicle identification number.

Exception: A vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a structure that is an accessory use, incidental to the dwelling as defined in Article 1302.02 of the City of Bethlehem Zoning Ordinance #2210. All wrecked car parts and similar unused components of a junk vehicle must not be stored on any private property in clear view of the public right of way.

- (B) A vehicle shall be deemed to be abandoned when it remains on private property for more than (48) hours and any of the following conditions apply:
 - (1) The vehicle is physically inoperable.
 - (2) The vehicle is left unattended.
 - (3) The vehicle does not have a valid registration plate.
 - (4) The vehicle does not have a current certificate of inspection.
 - (5) The Vehicle Identification Number (VIN) is not ascertainable.
 - (6) The vehicle remains without the consent of the owner or person in charge of the property.
- (C) If the owner of an abandoned and/or junked motor vehicle cannot be located or does not remove the vehicle, the code official shall contact the Bethlehem Police Department, who is authorized to remove said vehicle under Transportation 67 PA Code Chapter 253

titled Salvors and Vehicles Title 75 Chapter 73 of the Abandoned Vehicles and Cargos Code of the Commonwealth of PA.

(Ord. 4059 - Passed 12/19/00.)

SECTION PM-304.0 titled EXTERIOR STRUCTURE

That Sub-section PM-304.6 titled Exterior walls be amended to read as follows:

All walls that support an exterior structure shall be free from holes, breaks, loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration.

That Sub-section PM-304.7 titled Roofs and drainage be amended to read as follows:

The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions.

That Sub-section PM-304.15 titled Insect screens be amended to read as follows:

Every exterior window and door frame that has the necessary mechanical storm and screen hardware in place, must be provided with proper fitting windows and screens.

Delete the following exception:

Screen doors shall not be required where other approved means, such as air curtains or insect repellent fans are employed.

SECTION PM-305.0 INTERIOR STRUCTURE

That Sub-section PM-305.4 titled Lead-based paint shall be deleted in its entirety - covered under Ord. 3555 - Passed 6-1-93.

Delete Sub-section PM-306.0 titled Rubbish and garbage - entire Section is covered under the Health Ordinance #1161.08.

Delete Sub-section PM-306.1 titled Accumulation of Rubbish or garbage - covered under the Health Ordinance #1161.08.

Delete Sub-section PM-306.2 titled Disposal of rubbish - covered under the Health Ordinance #1161.08.

Delete Sub-section PM-306.2.1 titled Rubbish storage facilities - covered under the Health Ordinance #1161.08.

Delete Sub-section PM-306.3 titled Disposal of garbage - covered under the Health Ordinance #1161.08.

Delete Sub-section PM-306.3.1 titled Garbage facilities - covered under the Health Ordinance #1161.08.

Delete Sub-section PM-306.3.2 titled Containers - covered under the Health Ordinance #1161.08.

Section PM-307.0 EXTERMINATION

That Sub-section PM-307.1 titled Infestation be amended to read as follows:

All structures shall be kept free from wood destroying insects, including but not limited to termites, carpenter ants, carpenter bees and powder post beetles. All structures in which wood destroying insects are found shall be promptly exterminated by state certified technicians and proper precautions shall be taken to prevent reinfestation.

Delete Sub-section PM-307.2 titled Owner - covered under the Health Ordinance #1161.

Delete Sub-section PM-307.3 titled Single occupancy - covered under the Health Ordinance #1161.

Delete Sub-section PM-307.4 titled Multiple occupancy - covered under the Health Ordinance #1161.

Delete Sub-section PM-307.5 titled Occupant - covered under the Health Ordinance #1161.

CHAPTER #4 LIGHT, VENTILATION AND OCCUPANCY LIMITATIONS

SECTION PM-403.0 LIGHT

Sub-section PM-403.2 titled Common hallways and stairways be amended to read as follows:

Every common hall and stairway, other than in a one family dwelling, shall be lighted at all times with at least a 60-watt standard incandescent light bulb or equivalent for each 200 square feet of floor area,

provided that the spacing between lights shall not be greater than 30 feet. Every exterior stairway shall be illuminated with a minimum of a 60 watt bulb at floors, landings and treads. Placement of larger wattage light bulbs or additional rated light fixtures in the interior or exterior shall be at the discretion of the Code Official.

NOTE: Artificial light will not be used when calculating the need for additional lighting.

CHAPTER #5 PLUMBING FACILITIES AND FIXTURE REQUIREMENTS

Section PM-508.0 Storm drainage - covered under the Building Code #1701 and Storm Water Management Article 925.

That Sub-section 508.1 titled General be deleted entirely.

CHAPTER #6 MECHANICAL AND ELECTRICAL REQUIREMENTS

SECTION PM-602.0 HEATING FACILITIES

That Section PM-602.1 titled Facilities required be amended to read as follows:

All dwelling units shall have permanently installed, non-portable type central heating facilities or fixed electrical heating systems that are approved for the purpose and location where installed. Heating facilities shall be capable of maintaining the required temperatures in all habitable areas of the dwelling unit.

NOTE: Pipeless and/or ductless heating systems do not meet the requirements of section PM-602.0.

Exception to read: At the discretion of the Code Official, pipeless and/or ductless heating systems will be allowed in a one story single family dwelling provided that all habitable rooms, bathrooms and toilet rooms are grouped about a single large register.

Section PM-602.2 titled Residential buildings be amended to read as follows:

Every dwelling shall be provided with heating facilities capable of maintaining a room temperature of 65 degrees F. (18 degrees C.) in all habitable rooms, as described in this Section.

Section PM-602.2.1 titled Heat supply be amended to read as follows:

Every owner and operator of any building who rents, leases or lets one or more dwelling unit, rooming unit, dormitory or guest room on terms, either express or implied, to furnish heat to the occupants thereof shall supply sufficient heat during the period from Oct. 1st to May 15th to maintain the room temperatures specified in Section PM-602.2 during the hours between 6:30 a.m. and 10:30 p.m. of each day and not less than 60 degrees F. (16 degrees C.) during other hours.

SECTION PM-602.3 NONRESIDENTIAL STRUCTURES

Every enclosed occupied work space shall be supplied with sufficient heat during the period from October 1st to May 15th to maintain a temperature of not less than 65 degrees F. (18 degrees C.) during all working hours.

Exceptions:

- 1) Processing, storage and operation areas that require cooling or special temperature conditions.
- 2) Areas in which persons are primarily engaged in vigorous physical activities.

SECTION PM-604.0 ELECTRICAL FACILITIES

Sub-section PM-604.2 titled Service be amended to read as follows:

Every single family dwelling and housing rental unit shall be served by a main that is not less than 100 amperes. Inadequate services must be upgraded to meet the requirements of the National Electrical Code.

SECTION PM-605.0 ELECTRICAL EQUIPMENT

Sub-section PM-605.2 titled Receptacles be amended to read as follows:

Every habitable space in a dwelling shall contain at least two separate and remote receptacle outlets. Every laundry area shall contain at least one grounded type receptacle. Every bathroom and powder room shall contain at least one (1) 3 wire 15 or 20 amp G.F.I. (Ground Fault Interrupter) and all outlets on light fixtures and bathroom cabinets must be disconnected if not GFI protected.

That Sub-section PM-605.2.1 titled Kitchen receptacles be amended to read as follows:

Sub-section 605.2.1 titled Kitchen counter top receptacles

- a. All existing wall type receptacles which serve kitchen counter top surfaces must be 3 wired 15 or 20 amp GFI (ground fault interrupted) protected. Counter top spaces separated by range tops, refrigerators and sinks shall be considered as separate counter top spaces and apply to the requirements of this section.
- b. All kitchen areas shall have (2) accessible 15 or 20 amp GFI (ground fault interrupted) receptacle to serve counter top surfaces. If no counter top is available, there shall be (2) accessible GFI (ground fault interrupted) receptacles at counter top height. Refrigerator receptacles shall not be counted in determining GFI (ground fault interrupted) receptacle required in the kitchen areas.
- c. All existing receptacles located within 6' on either side of an auxiliary sink shall be 3 wired 15 or 20 amp GFI (ground fault interrupted).

Exception: Main kitchen sink which is covered under Sub-section PM-605.2.1 (a) and (b).

Retain Section 605.2.2 Exterior receptacles - which reads as follows:

All exterior receptacles must be 3 wired 15 or 20 amp G.F.I. (Ground Fault Interrupter) protected in weatherproof boxes and covers.

Exception: to read, All GFI outlets built into exterior walls must have damp proof covers.

Add new Sub-section PM 605.2.3 titled Random receptacle testing - to read as follows:

All electrical receptacles that cannot be tested for improper wiring, installation, deterioration or damage due to immovable furniture, appliances, or other obstructions shall be the responsibility of the owner and/or the agent.

NOTE: The inspection of electrical panels and boxes is limited to a visible inspection only.

Add new Sub-section PM 605.2.4 titled Common area branch circuits - to read as follows:

Branch circuits in dwelling units shall supply only loads within that dwelling unit or loads associated only with that dwelling unit. Branch circuits required for purpose of lighting, central alarm, signal communications or other needs for public or common areas of a two family or multi-family dwelling shall not be supplied from equipment that supplies an individual dwelling unit.

Add new Sub-section PM 605.2.5 titled Occupant to have ready access - to read as follows:

Each occupant of a dwelling unit shall have ready access to all overcurrent devices protecting the conductors supplying that occupancy.

CHAPTER #7 FIRE SAFETY REQUIREMENTS

That Section PM-705.5 titled Smoke detectors be amended to read as follows:

All rental apartment units shall be provided with a minimum of one approved single station smoke detector either battery operated or hardwired with a 110v capacity near sleeping area. Rooms or suites of a hotel, motel, lodging house, bed and breakfast, or rooming house shall have one smoke detector in the sleeping room. In all single family dwellings, a smoke detector is required on every story of the dwelling including the basement. When actuated, the smoke detector shall provide an alarm suitable to warn the occupants within the individual room or unit.

(Ord. 3813 - Passed 4/1/97.)